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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,854	08/06/2003	Michael Philip Fitton	241205US2CRL	6545
22850	7590	10/09/2007		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
			EXAMINER	
			SINGH, RAMNANDAN P	
		ART UNIT	PAPER NUMBER	
		2614		
		NOTIFICATION DATE	DELIVERY MODE	
		10/09/2007	ELECTRONIC	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<div style="border: 1px solid black; width: 150px; height: 20px; margin: 0 auto;"></div> <p style="text-align: center;"><b>Office Action Summary</b></p>	<b>Application No.</b> 10/634,854	<b>Applicant(s)</b> FITTON ET AL.	
	<b>Examiner</b> Ramnandan Singh	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Aug 06, 2003 & July 20, 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) 21-22, 43, 45-66 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20, 23-42, 44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Aug 06, 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date (i) <u>Aug 06, 2003</u> , (ii) <u>Jan 12, 2005</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35

U.S.C. 121:

I. Claims 1-19, 20, 23-42, 44, drawn to a channel estimator for a packet data communication receiver, classified in class 370, subclass 290.

II. Claims 21-22, 43, 45, drawn to a High Rate Bluetooth data receiver, classified in class 370, subclass 292, 350, 464, 507.

III. Claim 46, drawn to a plurality of data channels, classified in class 370, subclass 329, 465.

IV. Claims 47-66, drawn to a method for applying an error check to a portion of payload data, classified in class 370, subclass 356, 395.52.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions I, II, III and IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01).

In the instant case, the different inventions are unrelated because of the following:

a. Invention I is directed towards a channel estimator for a packet data communication receiver using an adaptive filter and a training sequence.

b. Invention II is directed towards a High Rate Bluetooth data receiver for receiving High Rate Bluetooth data packets using a training sequence module configured to provide a training sequence comprising at least a synchronous word of the High Rate Bluetooth data packet.

c. Invention III is directed towards a method of determining an estimated response of a data channel of a current data link of a data communications system having a plurality of data links each with a corresponding channel.

d. Invention IV is directed towards a method for applying an error check to a portion of payload data to determine whether the portion of payload has been received correctly.

3. ***Response to Arguments***

Applicant's arguments filed on July 20, 2007 have been fully considered but they are not persuasive.

Applicant's argument—"Furthermore, since electronic searching is commonly performed, a search may be made of a large number of , or theoretically all, subclasses, without substantial additional effort" on pages 1-2.

Examiner's response—Examiner respectfully disagrees. The above applicant's argument does not relate to a reality in practice. Further, because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classifications and subject matter, the search required for each invention is not required for the other. Therefore, restriction for examination purposes as indicated above is proper. See MPEP 806.05 (d).

4. Applicant's response filed on July 20, 2007 confirmed the election of Group I consisting of claims 1-20, 23-42, 44. As a result, claims 21-22, 43, 45-66 are withdrawn from further consideration by the examiner, 37

CFR 1.142(b), as being drawn to a non-elected invention. Hence, this restriction is made FINAL.

### ***Priority***

5. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed on Dec 22, 2003.

### ***Specification***

6. The abstract of the disclosure is objected to because the abstract contains more than one paragraph. Correction is required. See MPEP § 608.01(b).,

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-2, 6-14, 20, 23-24, 28-35, 37, 42, 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Dabak et al [US 20020075904 A1].

Regarding claim 23, Dabak et al disclose a method of determining an estimated response of a channel of a packet data communications system shown in Fig. 1, the method comprising:

receiving data using receiver (100) for symbols of a data packet transmitted over the channel [Fig. 1; Para: 0012];

determining a training sequence using one or more variable data portions or fields of the data packet (i.e. header or payload) [Figs. 2-5; Para: 0001; 0013-0016]; and

training an adaptive filter (104) using the training sequence and the received symbols to determine the estimated channel response [ Figs. 1-2; Para: 0012-0013; 0019].

Claim 44 is essentially similar to claim 23 and is rejected for the reasons stated above apropos of claim 23.

Claim 1 is essentially similar to claim 1 except for a memory to store the received symbol data. Dabak et al teach a receiver (100) to receive symbols of a data packet, wherein the memory (not shown ) is inherently present to store the received symbol data [Fig. 1; 0012].

Claim 20 is essentially similar to claim 1 except for a Bluetooth data receiver. Dabak et al further teach a Bluetooth data receiver (100) [Fig. 1; Para; 0013-0014; 0019; claim 2].

Regarding claim 24, Dabak et al further disclose the method, wherein the determining comprises determining one or more substantially constant elements of the one or more variable data portions or fields of the data packet [Figs. 2-4; Para: 0013].

Claim 2 is essentially similar to claim 24 and is rejected for the reasons stated above apropos of claim 24.



Regarding claim 28, Dabak et al further disclose the method, wherein the determining comprises decoding data for at least a portion of a header of a the packet [Fig. 2; Para: 0013].

Claim 6 is essentially similar to claim 28 and is rejected for the reasons stated above.

Regarding claim 29, Dabak et al further disclose the method, wherein the determining comprises decoding data for at least a portion of a user data payload of a the packet [Fig. 4; Para: 0012; 0014; 0016].

Claim 7 is essentially similar to claim 29 and is rejected for the reasons stated above.

Regarding claim 8, the feature of checking the decoded data for errors is inherently present in a communication system.

Claim 30 is essentially similar to claim 8 and is rejected for the reasons stated above.

Regarding claim 31, Dabak et al further disclose the method, comprising repeating the training using the training sequence [Para: 0013].

Claim 9 is essentially similar to claim 31 and is rejected for the reasons stated above.

Claim 10 is an inherent feature of the adaptation method of repeating the training using the training sequence, such as an LMS algorithm.

Claim 32 is essentially similar to claim 10 and is rejected for the reasons stated above.

Regarding claim 33, Dabak et al further disclose the method, wherein the determining comprises determining a plurality of the training sequences for the data packet, the training determining a first estimated channel response using a first the training sequence and a second estimated channel response using a later the training sequence [ Para: Para: 0015-0017].

Claim 11 is essentially similar to claim 33 and is rejected for the reasons stated above.

Regarding claims 12-14, 34-35, 37, the limitations are shown above.

Regarding claim 42, Dabak et al further teach the method wherein the packet data communication is a High Rate Bluetooth communication system [Para: 0017-0019; claims 12-13].

9. Claims 1, 20, 23 and 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Koo [US 5,047,859].

Regarding claim 1, Koo discloses a channel estimator for a packet data communications receiver, as shown in Fig. 2, the channel estimator comprising:

an input (R(i)) to receive data for symbols of a data packet transmitted over a channel to the receiver [Fig. 2];

a memory (11) to store the received symbol data [Figs. 1-2; col. 4, lines 31-49];

a training sequence (i.e. test sequence) determiner to determine a training sequence using one or more variable data portions or fields of the data packet [col. 2, lines 3-23; col. 3, line 20 to col. 4, line 49; col. 6, lines 61-67]; and

an adaptive filter coupled to the memory and to the training sequence determiner and configured to use the received symbol data and the training sequence to determine an estimate of a response of the channel [Fig. 5, col. 7, lines 40-55].

Claims 20, 23 and 44 are essentially similar to claim 1 and are rejected for the reasons stated above.

### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 3-5, 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dabak et al as applied to claim 3 above, and further in view of Rafle et al [US 20020196844 A1].

Regarding claim 3, Dabak et al do not teach expressly determining a training sequence based on the probabilities for values of bits.

Rafle et al teach several classes of approaches to adaptive equalization including a maximum likelihood sequence estimator (MLSE) [Para: 0009-0018].

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to adopt any one of the approaches to adaptive equalization including a maximum likelihood sequence estimator (MLSE) to determine a training sequence based on the probabilities for values of bits subject to circuit, system and design constraints .

Claims 4-5, 25-27 are rejected for the reasons stated in claim 3 above.

12. Claims 15-19, 36, 38-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dabak et al as applied to claim 11 above, and further in view of Kingston et al [US 6,373,910 B2].

Regarding claim 15, Dabak et al do not teach expressly an channel estimator to initialize the adaptive filter.

Kings ton et al teach a channel estimator comprising an initializer to initialize the adaptive filter using the first estimated channel response for determining the second estimated channel response [col. 12, line 19 to col. 13, line 51].

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the teachings of Kingston et al with Dabak et al in order to initialize the adaptive filter (i.e. equalizer) of Dabak et al to speed up the convergence of the filter.

Regarding claims 16-19, 36, 38-41, the limitations are shown above.

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

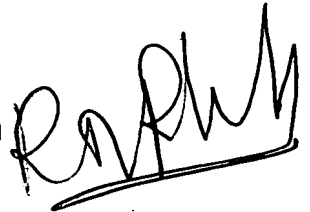
Yousef [US 7,263,123 B2] teaches a method of fast computation of coefficients for a variable delay decision feedback equalizer [Figs. 1-15; Abstract].

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramnandan Singh whose telephone number is (571) 272-7529. The examiner can normally be reached on M-TH (8:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ramnandan Singh  
Primary Examiner  
Art Unit 2614

A handwritten signature in black ink, appearing to read 'Ramnandan Singh', is written over a horizontal line.